

Remarks/Arguments

Claims 24-28 and 53-54 are canceled without prejudice. Claims 7 and 23 are amended to promote clarity. New claim 55 is added. Support for new claim 55 can be found, e.g., at page 19, Table 2 of the specification. No new matter is introduced.

Applicant thanks the Examiner for her courtesy of conducting a telephonic interview with Applicant's agent, Y. Jenny Luo, on January 26, 2007, where the issues raised in the Advisory Action and the Notice of Non-Compliant Amendment dated November 21, 2006 were discussed. Although Applicant respectfully disagree with the Examiner that the specification lacks sufficient support for the limitation "or amino acid 1 (Gly) and amino acids 2-6 (DVCQD) of SEQ ID NO:2" recited in claim 7 in Applicant's Amendment submitted on October, 31, 2006, this limitation is now deleted for the sole purpose of expediting the prosecution of this application. Furthermore, sequence identifiers (SEQ ID NOs:60-63) are given to the sequences of at least four amino acids recited in claim 23. In this connection, Applicant submits herewith a substitute Sequence Listing in computer readable form as required by 37 C.F.R. §1.824, a substitute Sequence Listing as required by 37 C.F.R. §1.823(a), and a statement under 37 C.F.R. §1.821(f). The substitute Sequence Listing includes, in addition to SEQ ID NOs:1-59 submitted in the initial Sequence Listing, SEQ ID NOs:60-63. No new matter is introduced. Applicant respectfully requests entry of the paper copy and computer readable copy of the substitute Sequence Listing. Finally, the text of the claim is removed for canceled claims 24-28.

Claims 6-7, 10-11, 17-23, 29-34, 36-49, 51-52, and 55 are pending in the application. Reexamination and reconsideration of the application, as amended, are respectfully requested.

Form PTO-1449 Having an OIPE Date of February 3, 2003

Applicant thanks the Examiner for her explanation of Form PTO-1449 having an OIPE date of February 3, 2003 which is missing in the USPTO file. Applicant attaches to this amendment a copy of the missing form for the USPTO record. Applicant understands that references C1-6 and C8 listed on the form have been considered by the Examiner.

New Grounds of Rejection

1. Claim 23 is objected to under 37 C.F.R. § 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Although Applicant respectfully disagrees with the Examiner, for the sole purpose of moving this application forward, Applicant has deleted the word "has" from claim 23. Applicant respectfully submits that the objection has been overcome and should be withdrawn.

2. Claims 7 and 54 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant respectfully disagrees. However, to expedite the prosecution of the application, Applicant has deleted the word "has" from claim 7 and canceled claim 54. Applicant respectfully submits that the rejection has been overcome and should be withdrawn.

3. Claim 54 is rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. As mentioned above, claim 54 has been canceled without prejudice, rendering this rejection moot. Withdrawal of the rejection is thus respectfully requested.

4. Claim 53 is rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. As mentioned above, claim 53

has been canceled without prejudice, rendering this rejection moot. Withdrawal of the rejection is thus respectfully requested.

5: Claim 7 is rejected under 35 U.S.C. § 102(e), as being anticipated by Hammerstedt et al. (U.S. Patent No. 5,910,568; "Hammerstedt"). Applicant respectfully traverses.

Claim 7, as amended, is directed to an isolated polypeptide consisting of an amino acid sequence which is a part of SEQ ID NO:2. The polypeptide begins with amino acids 2-6 (DVCQD) of SEQ ID NO:2. Further, the polypeptide has antiangiogenic activity and is between 5 and 80 amino acids in length.

Hammerstedt discloses a number of polypeptides containing the sequence of DVCQD. See, e.g., Hammerstedt, columns 13-21, Sequence Listing. More specifically, SEQ ID NO:4 in Hammerstedt is a 15-amino acid sequence, starting with 8 amino acids followed by DVCQD and another 2 amino acids. SEQ ID NO:5 in Hammerstedt is a 19-amino acid sequence, starting with 7 amino acids followed by DVCQD and another 7 amino acids. SEQ ID NO:14 in Hammerstedt is a 79-amino acid sequence, starting with 66 amino acids followed by DVCQD and another 8 amino acids. SEQ ID NO:15 in Hammerstedt is an 80-amino acid sequence, starting with 67 amino acids followed by DVCQD and another 8 amino acids. None of these polypeptides is a part of SEQ ID NO:2 of the present application which begins with DVCQD. Therefore, Hammerstedt does not anticipate claim 7, and the rejection should be withdrawn.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Reexamination and reconsideration of the application, as amended, are requested.

Application Serial No. 09/743,684

Attorney Docket No. 89188.0130

RCE/Amdt. Dated January 31, 2007

Customer No. 26021

Reply to Final Office Action dated July 31, 2006 and

Advisory Action and Notice of Non-Compliant Amendment

Dated November 21, 2006

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned at the Los Angeles, California telephone number (310) 785-4600 to discuss the steps necessary for placing the application in condition for allowance.

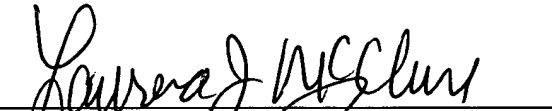
If there are any fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-1314.

Respectfully submitted,

HOGAN & HARTSON L.L.P.

Date: January 31, 2007

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